

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY GENE HEGGEM, et al.,

Plaintiff,

v.

WILLIAM STEFFENER, et al.,

Defendants.

CASE NO. C07-1143RAJ-MAT
ORDER

I. INTRODUCTION

This matter comes before the court on review of Magistrate Judge Mary Alice Theiler’s Report and Recommendation (“R&R”) (Dkt. # 77). The court has reviewed the R&R, Plaintiff’s objection to the R&R, Plaintiff’s motion to amend his complaint filed after the R&R (Dkt. # 79), and the balance of the record in this action. For the reasons stated below, the court adopts the R&R to the extent that it has not been mooted by events subsequent to its filing, DENIES Plaintiff’s motion to amend (Dkt. # 79), and directs the clerk to enter judgment DISMISSING this action.

II. BACKGROUND & DISCUSSION

Plaintiff Larry Gene Heggem filed this 42 U.S.C. § 1983 action against three Defendants: Helene Blume and Janice Ellis, both prosecuting attorneys for Snohomish County, Washington; and William Steffener, who was Mr. Heggem’s public defender. Mr. Heggem later amended his complaint to add claims against Kenneth Quinn, the superintendent at a correctional facility at which Mr. Quinn either is or was incarcerated.

1 The court initially declined to serve the complaint, noting numerous facial legal
2 deficiencies, including the absolute immunity generally afforded to prosecuting attorneys.
3 Mr. Heggem then withdrew his claims against Ms. Blume, citing her absolute immunity
4 from suit. (Dkt. # 27). Mr. Heggem later voluntarily dismissed his claims against Ms.
5 Ellis, citing her absolute immunity from suit. (Dkt. # 41). After Judge Theiler entered
6 the instant R&R, Mr. Heggem stipulated to dismissing his claims against Mr. Steffener.
7 (Dkt. # 87). In his objections to the R&R, Mr. Heggem noted that he had no objection to
8 Judge Theiler's recommendation that his claims against Mr. Quinn be dismissed.


9 In light of these developments, only two matters remain for consideration. First,
10 Judge Theiler recommends that Mr. Heggem's motion for preliminary injunction be
11 denied. The court adopts that recommendation in its entirety.

12 Second, Mr. Heggem moves to amend his complaint to reassert his claims against
13 Ms. Blume. His motion came after the entry of the R&R, and he offers no explanation of
14 why he wishes to reassert his claims against Ms. Blume. He fails to explain why he has
15 retracted his admission that absolute immunity protects Ms. Blume. Under these
16 circumstances, no amendment of the complaint is appropriate.

17 III. CONCLUSION

18 For the reasons stated above, the court adopts the R&R to the extent that it has not
19 been mooted by events subsequent to its entry. The court DENIES Mr. Heggem's motion
20 to amend (Dkt. # 79). The court directs the clerk to enter judgment DISMISSING this
21 action.

22 DATED this 11th day of August, 2008.

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25 The Honorable Richard A. Jones
26 United States District Judge
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